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DEPT FOR: EB/ORF/ICD:ARTHUR KOBLER; D/LOS

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: LOS CONFERENCE - NG-1 PROPOSALS

1. FOLLOWING IS THE PACKAGE OF PROPOSALS BY NJENGA OF
KENYA, NOW BEING CONSIDERED BY NG-1. (NOTE: WORD
BRACKETS SURROUND NEW LANGUAGE; DASHES REPRESENT
DELETED LANGUAGE)

BEGIN TEXT: QUOTE: SUGGESTED COMPROMISE FORMULA
-- ARTICLE 140 - BENEFIT OF MANKIND

"1. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT FOR THE
BENEFIT OF MANKIND AS A WHOLE, IRRESPECTIVE OF THE
GEOGRAPHICAL LOCATION OF STATES, WHETHER COASTAL OR
LAND-LOCKED, AND TAKING INTO PARTICULAR CONSIDERATION
THE INTERESTS AND NEEDS OF THE DEVELOPING COUNTRIES
BRACKET AND PEOPLES BRACKET AS SPECIFICALLY PROVIDED
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FOR IN THIS PART OF THE PRESENT CONVENTION.

"2. BRACKET: TO THIS END, THE AUTHORITY SHALL PROVIDE
FOR THE EQUITABLE SHARING OF BENEFITS DERIVED FROM THE
AREA THROUGH ANY APPROPRIATE MECHANISM IN ACCORDANCE WITH
SUB-PARAGRAPH (XII) OF PARAGRAPH 2 OF ARTICLE 158 BRACKET.

-- "ARTICLE 143 - MARINE SCIENTIFIC RESEARCH"

"1. MARINE SCIENTIFIC RESEARCH IN THE AREA SHALL BE CARRIED OUT EXCLUSIVELY FOR PEACEFUL PURPOSES AND FOR THE BENEFIT OF MANKIND AS A WHOLE, IN ACCORDANCE WITH PART XIII OF THE PRESENT CONVENTION.

"2. STATES PARTIES BRACKET AND THE AUTHORITY MAY CARRY OUT MARINE SCIENTIFIC RESEARCH AND BRACKET PROMOTE INTERNATIONAL COOPERATION IN MARINE SCIENTIFIC RESEARCH IN THE AREA BRACKET AND ITS RESOURCES BRACKET EXCLUSIVELY FOR PEACEFUL PURPOSES BY:

(A) PARTICIPATION IN INTERNATIONAL PROGRAMMES AND ENCOURAGING CO-OPERATION IN MARINE SCIENTIFIC RESEARCH BY PERSONNEL OF DIFFERENT COUNTRIES AND OF THE AUTHORITY;

(B) ENSURING THAT PROGRAMMES ARE DEVELOPED THROUGH THE AUTHORITY OR OTHER INTERNATIONAL BODIES AS APPROPRIATE FOR THE BENEFIT OF DEVELOPING COUNTRIES AND TECHNOLOGICALLY LESS DEVELOPED COUNTRIES WITH A VIEW TO

(I) STRENGTHENING THEIR RESEARCH CAPABILITIES;
(II) TRAINING THEIR PERSONNEL AND THE PERSONNEL OF THE AUTHORITY IN THE TECHNIQUES AND APPLICATIONS OF RESEARCH;
(III) FOSTERING THE EMPLOYMENT OF THEIR QUALIFIED PERSONNEL;
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PERSONNEL IN ACTIVITIES OF RESEARCH IN THE AREA;

(C) EFFECTIVE BRACKET CO-ORDINATION AND BRACKET DISSEMINATION OF THE RESULTS OF RESEARCH AND ANALYSIS WHEN AVAILABLE, THROUGH THE AUTHORITY OR OTHER INTERNATIONAL CHANNELS WHEN APPROPRIATE.

-- ARTICLE 144 - TRANSFER OF TECHNOLOGY

NEW PARAGRAPH 1 (FORMER PARAGRAPH 8 OF ARTICLE 151).

BRACKET "1. THE AUTHORITY SHALL TAKE MEASURES IN ACCORDANCE WITH THIS CONVENTION:

(A) TO ACQUIRE TECHNOLOGY AND SCIENTIFIC KNOWLEDGE RELATING TO ACTIVITIES IN THE AREA; AND

(B) TO PROMOTE AND ENCOURAGE THE TRANSFER OF SUCH TECHNOLOGY AND SCIENTIFIC KNOWLEDGE SO THAT ALL STATES BENEFIT THEREFROM. BRACKET

"2. BRACKET TO THIS END BRACKET THE AUTHORITY AND STATES

PARTIES SHALL CO-OPERATE IN PROMOTING THE TRANSFER OF TECHNOLOGY AND SCIENTIFIC KNOWLEDGE RELATING TO ACTIVITIES IN THE AREA SO THAT THE ENTERPRISE AND ALL STATES BENEFIT THEREFROM. IN PARTICULAR THEY SHALL INITIATE AND PROMOTE:

(A) PROGRAMMES FOR THE TRANSFER OF TECHNOLOGY TO THE ENTERPRISE AND TO DEVELOPING COUNTRIES WITH REGARD TO ACTIVITIES IN THE AREA, INCLUDING, INTER ALIA, FACILITATING THE ACCESS OF THE ENTERPRISE AND OF DEVELOPING COUNTRIES TO THE RELEVANT TECHNOLOGY, UNDER FAIR AND REASONABLE TERMS AND CONDITIONS;

(B) MEASURES DIRECTED TOWARDS THE ADVANCEMENT OF THE TECHNOLOGY OF THE ENTERPRISE AND THE DOMESTIC TECHNOLOGY
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OF DEVELOPING COUNTRIES, PARTICULARLY THROUGH THE OPENING

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DEPT FOR EB/ORF/ICD:ARTHUR KOBLER; D/LOS

OF OPPORTUNITIES TO PERSONNEL FROM THE ENTERPRISE AND
FROM DEVELOPING COUNTRIES FOR TRAINING IN MARINE SCIENCE

AND TECHNOLOGY AND THEIR FULL PARTICIPATION IN ACTIVITIES
IN THE AREA.

-- ARTICLE 150 - BRACKET GENERAL BRACKET POLICIES
RELATING TO ACTIVITIES IN THE AREA

"ACTIVITIES IN THE AREA SHALL BE CARRIED OUT IN ACCORD-
ANCE WITH THE PROVISIONS OF THIS PART OF THE PRESENT
CONVENTION IN SUCH A MANNER AS TO FOSTER HEALTHY DEVELOP-
MENT OF THE WORLD ECONOMY AND BALANCED GROWTH OF INTER-
NATIONAL TRADE, AND TO PROMOTE INTERNATIONAL CO-OPERATION
FOR THE OVER-ALL DEVELOPMENT OF ALL COUNTRIES, ESPECIALLY
THE DEVELOPING COUNTRIES AND BRACKET WITH A VIEW TO
ENSURING; BRACKET

(A)ORDERLY AND SAFE DEVELOPMENT AND RATIONAL MANAGEMENT
OF THE RESOURCES OF THE AREA, BRACKET INCLUDING
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BRACKET THE EFFICIENT CONDUCT OF ACTIVITIES IN THE AREA
BRACKET AND, BRACKET IN ACCORDANCE WITH SOUND PRINCIPLES
OF CONSERVATION, THE AVOIDANCE OF BRACKET UNNECESSARY
BRACKET WASTE;

(B) THE EXPANDING OF OPPORTUNITIES FOR PARTICIPATION IN
SUCH ACTIVITIES CONSISTENT BRACKET PARTICULARLY BRACKET
WITH ARTICLES 144 AND 148;

(C) BRACKET PARTICIPATION IN REVENUES BY THE AUTHORITY
AND THE TRANSFER OF TECHNOLOGY TO THE ENTERPRISE AND
DEVELOPING COUNTRIES AS PROVIDED FOR IN ARTICLE 144;
BRACKET.

(D) INCREASING AVAILABILITY OF THE MINERALS ORIGINATING
IN BRACKET THE AREA AS BRACKET ARE ALSO PRODUCED OUTSIDE
THE AREA BRACKET AS NEEDED TO ASSURE ADEQUATE BRACKET
SUPPLIES TO CONSUMERS OF SUCH MINERALS;

(E) BRACKET JUST AND STABLE PRICES REMUNERATIVE TO PRO-
DUCERS AND FAIR TO CONSUMERS FOR MINERALS BRACKET ORIGINAT-
ING BRACKET BOTH IN BRACKET IN THE AREA BRACKET AND ALSO
OUTSIDE BRACKET THE AREA AND PROMOTING EQUILIBRIUM BETWEEN
SUPPLY AND DEMAND;

(F) THE ENHANCING OF OPPORTUNITIES FOR ALL STATES PARTIES,
IRRESPECTIVE OF THEIR SOCIAL AND ECONOMIC SYSTEMS OR
GEOGRAPHICAL LOCATION, TO PARTICIPATE IN THE DEVELOPMENT
OF THE RESOURCES OF THE AREA AND PREVENTING MONOPOLIZATION
OF THE EXPLORATION AND EXPLOITATION OF THE RESOURCES OF
THE AREA; AND

(G) THE PROTECTION OF DEVELOPING COUNTRIES FROM

ADVERSE EFFECTS ON THEIR ECONOMIES OR ON THEIR EARNINGS
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RESULTING FROM A REDUCTION IN THE PRICE OF AN AFFECTED
MINERAL, OR IN THE VOLUME OF THAT MINERAL EXPORTED, TO
THE EXTENT THAT SUCH REDUCTIONS ARE CAUSED BY ACTIVITIES
IN THE AREA, BRACKET AS PROVIDED IN ARTICLE 150 BRACKET
BIS.

-- ARTICLE 150 BIS- PRODUCTION POLICIES

BRACKET WITHOUT PREJUDICE TO THE OBJECTIVES SET FORTH
IN ARTICLE 150, AND FOR THE PURPOSE OF IMPLEMENTING
THE PROVISIONS OF PARAGRAPH (G) OF ARTICLE 150: BRACKET

A. ACTING THROUGH EXISTING FORUMS OR SUCH NEW ARRANGE-
MENTS OR AGREEMENTS AS MAY BE APPROPRIATE, AND IN WHICH
ALL INTERESTED PARTIES PARTICIPATE, THE AUTHORITY SHALL
TAKE MEASURES NECESSARY TO ACHIEVE THE GROWTH, EFFICIENCY
AND STABILITY OF MARKETS FOR THOSE CLASSES OF COMMODITIES
PRODUCED FROM THE AREA, AT PRICES REMUNERATIVE TO PRO-
DUCERS AND FAIR TO CONSUMERS. ALL PARTIES SHALL CO-OPERATE
TO THIS END. THE AUTHORITY SHALL HAVE THE RIGHT TO PAR-
TICIPATE IN ANY COMMODITY CONFERENCE DEALING WITH THE
CATEGORIES OF MINERALS PRODUCED IN THE AREA. THE
AUTHORITY SHALL HAVE THE RIGHT TO BECOME A PARTY TO ANY
SUCH ARRANGEMENT OR AGREEMENT RESULTING FROM SUCH CON-
FERENCES AS ARE REFERRED TO ABOVE. THE PARTICIPATION BY
THE AUTHORITY IN ANY ORGANS ESTABLISHED UNDER THE ARRANGE-
MENTS OR AGREEMENTS REFERRED TO ABOVE SHALL BE IN RES-
PECT OF THE PRODUCTION IN THE AREA AND IN ACCORDANCE WITH
THE RULES OF PROCEDURE ESTABLISHED FOR SUCH ORGANS.

B. (I) THE AUTHORITY SHALL LIMIT IN AN INTERIM PERIOD
SPECIFIED BELOW, TOTAL PRODUCTION OF MINERALS FROM
NODULES IN THE AREA SO AS NOT TO EXCEED FOR THE
FIRST SEVEN YEARS OF THAT PERIOD THE PROJECTED
CUMULATIVE GROWTH SEGMENT OF THE WORLD NICKEL
DEMAND. AFTER THE FIRST SEVEN YEARS OF THE INTERIM
PERIOD TOTAL PRODUCTION OF MINERALS FROM NODULES

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IN THE AREA SHALL ON A YEARLY BASIS NOT EXCEED
60 PERCENT OF THE CUMULATIVE GROWTH SEGMENT OF
THE WORLD NICKEL DEMAND, AS PROJECTED FROM THE

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BEGINNING OF THE INTERIM PERIOD, PROVIDED HOWEVER THAT THIS SHALL NOT AFFECT SUCH PRODUCTION UNDER CONTRACTS ALREADY AWARDED, AS IS PERMITTED UNDER THE PRODUCTION LIMIT REFERRED TO ABOVE FOR THE FIRST SEVEN YEARS OF THE INTERIM PERIOD. THE CUMULATIVE GROWTH SEGMENT FOR THE PURPOSE OF THIS PART OF THE PRESENT CONVENTION SHALL BE COMPUTED IN ACCORDANCE WITH SUBPARAGRAPH (III) BELOW. THE INTERIM PERIOD REFERRED TO ABOVE SHALL BEGIN ON 1 JANUARY 1980 AND SHALL TERMINATE ON THE DAY WHEN SUCH NEW ARRANGEMENTS OR AGREEMENTS AS REFERRED TO IN SUBPARAGRAPH A ABOVE, IN WHICH ALL AFFECTED PARTIES PARTICIPATE, ENTER INTO FORCE. THE AUTHORITY SHALL RESUME THE POWER TO LIMIT THE PRODUCTION OF MINERALS FROM NODULES IN THE AREA IF THE SAID ARRANGEMENTS OR AGREEMENTS SHOULD LAPSE OR BECOME INEFFECTIVE FOR ANY REASON WHATSOEVER.

(II) THE AUTHORITY SHALL CARRY OUT THE DECISIONS TAKEN
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BY SUCH ORGANS AS REFERRED TO IN SUBPARAGRAPH A

ABOVE AND APPLY THE INTERIM PRODUCTION LIMIT PROVIDED FOR IN SUBPARAGRAPH (I) ABOVE, IN A MANNER WHICH ASSURES A UNIFORM AND NON-DISCRIMINATORY IMPLEMENTATION IN RESPECT OF ALL PRODUCTION IN THE AREA OF THE MINERALS CONCERNED. IN DOING SO, THE AUTHORITY SHALL ACT IN A MANNER CONSISTENT WITH THE TERMS OF EXISTING CONTRACTS AND APPROVED PLANS OF WORK OF THE ENTERPRISE.

(III) THE RATE OF INCREASE IN WORLD NICKEL DEMAND PROJECTED FOR THE INTERIM PERIOD REFERRED TO IN SUBPARAGRAPH (I) ABOVE SHALL, FOR THE FIRST FIVE YEARS OF THE INTERIM PERIOD, BE THE ANNUAL CONSTANT PERCENTAGE RATE OF INCREASE IN WORLD DEMAND DURING THE 20-YEAR PERIOD ENDING 1 JANUARY 1980. THE CALCULATION OF SUCH RATE OF INCREASE IN WORLD NICKEL DEMAND SHALL BE MADE BY APPLICATION OF THE LEAST SQUARES METHOD USING DEFINITIVE DATA FROM THE LATEST 20-YEAR PERIOD PRIOR TO THAT DATE, AND FOR WHICH SUCH DATA ARE AVAILABLE. THEREAFTER THIS RATE OF INCREASE SHALL BE ADJUSTED EVERY FIVE YEARS ON THE BASIS OF A RECALCULATION APPLYING THE AFORESAID METHOD AND USING DEFINITIVE DATA FROM THE LATEST 10-YEAR PERIOD PRIOR TO COMMENCEMENT OF ANY SUCH FIVE-YEAR PERIOD, AND FOR WHICH SUCH DATA ARE AVAILABLE.

(IV) THE CUMULATIVE GROWTH SEGMENT OF THE WORLD NICKEL DEMAND REFERRED TO IN SUBPARAGRAPH (I) ABOVE SHALL BE COMPUTED BY APPLYING THE RATE OF INCREASE DETERMINED PURSUANT TO SUBPARAGRAPH (III) TO A BASE AMOUNT CALCULATED BY PROJECTING WORLD

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NICKEL DEMAND FOR THE YEAR IMMEDIATELY PRECEDING 1 JANUARY 1980 BY APPLYING THE AFORESAID RATE OF INCREASE TO THE AVERAGE OF WORLD NICKEL DEMAND DURING THE LATEST FIVE-YEAR PERIOD PRIOR TO THE AFORESAID DATE, AND FOR WHICH DEFINITIVE DATA ARE AVAILABLE. THEREAFTER THE BASE AMOUNT SHALL BE ADJUSTED EVERY FIVE YEARS ON THE BASIS OF THE MOST RECENT DEFINITIVE DATA AVAILABLE FOR THE FIVE-YEAR PERIOD IMMEDIATELY PRECEDING ANY SUCH FIVE-YEAR PERIOD APPLYING THE METHOD SPECIFIED IN THIS SUBPARAGRAPH.

C. THE AUTHORITY MAY REGULATE PRODUCTION OF MINERALS FROM THE AREA, OTHER THAN MINERALS FROM NODULES, UNDER SUCH CONDITIONS AND APPLYING SUCH METHODS AS MAY BE APPROPRIATE.

D. FOLLOWING RECOMMENDATIONS FROM THE COUNCIL ON THE BASIS OF ADVICE FROM THE ECONOMIC PLANNING COMMISSION, THE ASSEMBLY SHALL ESTABLISH A SYSTEM OF COMPENSATION FOR DEVELOPING COUNTRIES WHICH SUFFER ADVERSE EFFECTS ON THEIR EXPORT EARNINGS OR ECONOMIES RESULTING FROM A REDUCTION IN THE PRICE OF AN AFFECTED MINERAL OR THE VOLUME OF THAT MINERAL EXPORTED, TO THE EXTENT THAT SUCH REDUCTION IS CAUSED BY ACTIVITIES IN THE AREA.

- BRACKET ARTICLE 150 TER BRACKET

1. THE AUTHORITY SHALL AVOID DISCRIMINATION IN THE EXERCISE OF ITS POWERS AND FUNCTIONS, INCLUDING THE GRANTING OF OPPORTUNITIES FOR ACTIVITIES IN THE AREA.

2. SPECIAL CONSIDERATION FOR DEVELOPING COUNTRIES, INCLUDING PARTICULAR CONSIDERATION FOR THE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED AMONG THEM, SPECIFICALLY PROVIDED FOR IN THIS PART OF THE PRESENT CONVENTION, SHALL NOT BE DEEMED TO BE DISCRIMINATION.

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3. ALL RIGHTS GRANTED SHALL BE FULLY SAFEGUARDED IN ACCORDANCE WITH THE PROVISIONS OF THIS CONVENTION.

-- ARTICLE 151 - BRACKET SYSTEM OF EXPLORATION
-- AND EXPLOITATION BRACKET

1. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT, BRACKET ORGANIZED AND CONTROLLED BY BRACKET THE AUTHORITY ON BEHALF OF MANKIND AS A WHOLE IN ACCORDANCE WITH PROVISIONS OF THIS ARTICLE AS WELL AS OTHER RELEVANT PROVISIONS OF THIS PART OF THE PRESENT CONVENTION AND ITS ANNEXES, AND THE RULES, REGULATIONS AND PROCEDURES OF THE AUTHORITY ADOPTED UNDER SUBPARAGRAPH (XVI) OF PARAGRAPH 2 OF ARTICLE 150 AND SUBPARAGRAPH (XIV) OF ARTICLE 160.

2. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT BRACKET AS AUTHORIZED BY THE AUTHORITY BRACKET AS PRESCRIBED IN PARAGRAPH 3 BELOW:

(I) BY THE ENTERPRISE, AND
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(II) IN ASSOCIATION WITH THE AUTHORITY BY STATES PARTIES OR STATE ENTITIES, OR PERSONS NATURAL OR JURIDICAL WHICH POSSESS THE NATIONALITY OF STATES PARTIES OR ARE EFFECTIVELY CONTROLLED BY THEM OR THEIR NATIONALS, WHEN SPONSORED BY SUCH STATES, OR ANY GROUP OF THE FOREGOING BRACKET WHICH MEET THE REQUIREMENTS PROVIDED IN THIS PART OF THE PRESENT CONVENTION INCLUDING ANNEX II BRACKET

3. ACTIVITIES IN THE AREA SHALL BE CARRIED OUT IN ACCORDANCE WITH A FORMAL WRITTEN PLAN OF WORK DRAWN UP IN ACCORDANCE WITH ANNEX II TO THE PRESENT CONVENTION AND APPROVED BY THE COUNCIL AFTER REVIEW BY THE TECHNICAL COMMISSION. IN THE CASE OF ACTIVITIES IN THE AREA CARRIED OUT BRACKET AS AUTHORIZED BY BRACKET THE AUTHORITY BY THE ENTITIES SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH 2 OF THIS ARTICLE, SUCH A PLAN OF WORK SHALL IN ACCORDANCE WITH -----PARAGRAPH 3 OF ANNEX II BE IN THE FORM OF A CONTRACT. SUCH CONTRACTS MAY PROVIDE FOR JOINT ARRANGEMENTS IN ACCORDANCE WITH -----PARAGRAPH 5 OF ANNEX II.

4. THE AUTHORITY SHALL EXERCISE SUCH CONTROL OVER ACTIVITIES IN THE AREA AS IS NECESSARY FOR THE PURPOSE OF SECURING COMPLIANCE WITH THE RELEVANT PROVISIONS OF THIS PART OF THE PRESENT CONVENTION, INCLUDING ITS ANNEXES, AND THE

RULES, REGULATIONS AND PROCEDURES OF THE AUTHORITY ADOPTED
UNDER SUBPARAGRAPH (XVI) OF PARAGRAPH 2 OF ARTICLE 158 AND
SUBPARAGRAPH (XIV) OF PARAGRAPH 2 OF ARTICLE 160 AND THE
PLANS OF WORK APPROVED IN ACCORDANCE WITH PARAGRAPH 3 OF
THIS ARTICLE. STATE PARTIES SHALL ASSIST THE AUTHORITY
BY TAKING ALL MEASURES NECESSARY TO ENSURE SUCH COMPLIANCE,
BRACKET IN ACCORDANCE WITH ARTICLE 139 BRACKET.
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5. THE AUTHORITY SHALL HAVE THE RIGHT TO TAKE AT ANY TIME
ANY MEASURES PROVIDED FOR UNDER THIS PART OF THE PRESENT
CONVENTION TO ENSURE COMPLIANCE WITH ITS TERMS, AND
THE PERFORMANCE OF THE CONTROL AND REGULATORY FUNCTIONS
ASSIGNED TO IT THEREUNDER OR UNDER ANY CONTRACT. THE
AUTHORITY SHALL HAVE THE RIGHT TO INSPECT ALL FACILITIES
IN THE AREA USED IN CONNEXION WITH -----ACTIVI-
TIES IN THE AREA.

6. A CONTRACT UNDER PARAGRAPH 3 OF THIS ARTICLE SHALL
PROVIDE FOR SECURITY OF TENURE. ACCORDINGLY, IT SHALL
NOT BE -----, REVISED, SUSPENDED OR TERMINATED
EXCEPT IN ACCORDANCE WITH PARAGRAPHS 12 AND 13 OF ANNEX II.

-- ARTICLE 153 - BRACKET THE REVIEW CONFERENE BRACKET

1. TWENTYYEARSFRMBRACKET THE APPROVAL OF THE FIRST
CONTRACT OR PLAN OF WORK UNDER THE PRESENT CONVENTION
BRACKET THE ASSEMBLY SHALL CONVENE A CONFERENCE FOR THE
REVIEW OF THOSE PROVISIONS OF THIS PART OF THE PRESENT
CONVENTION AND THE ANNEXES THERETO WHICH GOVERNS THE
SYSTEM OF EXPLORATION AND EXPLOITATION OF THE RESOURCES
OF THE AREA. THE CONFERENCE SHALL CONSIDER IN DETAIL, IN
THE LIGHT OF THE EXPERIENCE ACQUIRED DURING THAT PERIOD,
WHETHER THE PROVISIONS OF THIS PART OF THE PRESENT CONVEN-
TION GOVERNING THE SYSTEM OF EXPLORATION AND EXPLOITATION
OF THE RESOURCES OF THE AREA HAVE ACHIEVED THEIR AIMS IN ALL
RESPECTS, IN PARTICULAR BRACKET WHETHER THEY HAVE -----
BENEFITED MANKIND AS A WHOLE, BRACKET WHETHER THEY HAVE
NOT RESULTED IN AN EXCESSIVE CONCENTRATION BRACKET OF THE
EXPLOITATION BRACKET OF THESE RESOURCES IN THE HANDS OF A
SMALL NUMBER OF STATES, WHETHER THE ECONOMIC PRINCIPLES SET
FORTH IN ARTS. 150 BRACKET AND 150 BIS BRACKET HAVE BEEN
COMPLIED WITH AND WHETHER THE REGIME HAS BENEFITED THE
DEVELOPING COUNTRIES.
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2. IN PARTICULAR, THE CONFERENCE SHALL CONSIDER WHETHER,
DURING THE 20-YEAR PERIOD BRACKET MENTIONED IN PARA. 1 OF
THIS ARTICLE, BRACKET A BALANCE HAS BEEN MAINTAINED BETWEEN
THE AREAS RESERVED FOR THE AUTHORITY AND DEVELOPING
COUNTRIES, AND THE CONTRACT AREAS EXPLOITED BY STATES,
STATE ENTITIES, NATURAL OR JURIDICAL PERSONS IN ASSOCIATION
WITH THE AUTHORITY, BRACKET AND WHETHER THE PROVISIONS OF
THIS PART OF THE CONVENTION HAVE RESULTED IN SUCCESSFUL
OPERATIONS IN BOTH THE RESERVED AND NON-RESERVED AREAS.
BRACKET.

3. SAME.

4. -----THE CONFERENCE SHALL BRACKET ESTABLISH A
BRACKET SYSTEM OF VOTING ----- BRACKET UNDER WHICH
BRACKET THE MAJORITIES REQUIRED -----SHALL BE
THE SAME AS THE MAJORITIES REQUIRED FOR DECISIONS, BY
VOTING, OR THE THIRD UNITED NATIONS CONFERENCE ON LAW OF
THE SEA UNDER RULE 39 OF THE RULES OF PROCEDURE FOR
THAT CONFERENCE. THE CONFERENCE SHALL MAKE EVERY EFFORT
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TO REACH AGREEMENT ON SUBSTANTIVE MATTERS BY WAY OF
CONSENSUS AND THERE SHALL BE NO VOTING ON SUCH MATTERS
UNTIL ALL EFFORTS AT CONSENSUS HAVE BEEN EXHAUSTED.

5. AMENDMENTS ADOPTED BY THE CONFERENCE UNDER THE PRO-
VISIONS OF THIS ARTICLE SHALL NOT AFFECT RIGHTS ACQUIRED
UNDER EXISTING CONTRACTS. -----
-----.

6. FIVE YEARS AFTER THE COMMENCEMENT OF THE
REVIEW CONFERENCE, AND UNTIL AN AGREEMENT ON THE SYSTEM
OF EXPLORATION AND EXPLOITATION OF THE RESOURCES OF THE
AREA ENTERS INTO FORCE, THE ASSEMBLY MAY DECIDE, BY THE
MAJORITY REQUIRED FOR QUESTIONS OF SUBSTANCE, THAT NO NEW
CONTRACTS OR PLANS OF WORK FOR ACTIVITIES IN THE AREA
SHALL BE APPROVED. FIVE.

-- ANNEX II, PARA 4(C)(II)

NEW: (II) MAKE AVAILABLE TO THE AUTHORITY A GENERAL DES-
SCRIPTION OF THE EQUIPMENT AND METHODS TO BE USED IN
CARRYING OUT ACTIVITIES IN THE NON-RESERVED AREA,
AS WELL AS OTHER RELEVANT INFORMATION ABOUT THE
CHARACTERISTICS OF SUCH TECHNOLOGY. THAT DESCRIPTION
SHALL BE SUBMITTED WITH THE APPLICATION AND THERE-
AFTER WHENEVER A SUBSTANTIAL TECHNOLOGICAL CHANGE OR
INNOVATION IS INTRODUCED.

(II BIS) UNDERTAKE TO NEGOTIATE FIVE WITH THE
ENTERPRISE, AFTER FIVE THE CONCLUSION OF THE CON-
TRACT FIVE AND FIVE IF FIVE AND WHEN FIVE
THE AUTHORITY SHALL SO REQUEST, FIVE A SPECIAL
AGREEMENT SUPPLEMENTARY TO THE CONTRACT FIVE
MAKING AVAILABLE TO THE ENTERPRISE UNDER LICENSE
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FIVE OR OTHER APPROPRIATE ARRANGEMENTS FIVE
AND ON FAIR AND REASONABLE FIVE COMMERCIAL FIVE
TERMS FIVE AND CONDITIONS, FIVE THE TECHNOLOGY
FIVE WHICH IS FIVE TO BE USED BY THE
FIVE CONTRACTOR FIVE IN CARRYING OUT ACTIVI-
TIES IN THE AREA FIVE AND WHICH THE CONTRACTOR
IS LEGALLY ENTITLED TO TRANSFER. FIVE.

NEW: (II TER) UNDERTAKE TO USE, IN CARRYING OUT ACTIVITIES
IN THE AREA, TECHNOLOGY OTHER THAN THAT COVERED BY
(II BIS) ONLY IF HE HAS OBTAINED WRITTEN ASSURANCE
FROM THE OWNER OF THE TECHNOLOGY THAT HE WILL, IF

IF AND WHEN THE AUTHORITY SO REQUESTS, NEGOTIATE
AN AGREEMENT MAKING AVAILABLE TO THE ENTERPRISE THAT
TECHNOLOGY UNDER LICENSE OR OTHER APPROPRIATE
ARRANGEMENTS AND ON FAIR AND REASONABLE COMMERCIAL
TERMS AND CONDITIONS.

NEW: (II QUATER) UNDERTAKE TO FACILITATE, AFTER THE CON-
CLUSION OF THE CONTRACT AND IF AND WHEN THE
AUTHORITY SHALL SO REQUEST, THE ACQUISITION BY THE
ENTERPRISE UNDER LICENSE OR OTHER APPROPRIATE ARRANGE-
MENTS AND ON FAIR AND REASONABLE COMMERCIAL TERMS
AND CONDITIONS, THE TECHNOLOGY WHICH IS TO BE USED
BY THE CONTRACTOR AND WHICH THE CONTRACTOR IS NOT
LEGALLY ENTITLED TO TRANSFER.

NEW: (II QUINTE) UNDERTAKE THE SAME OBLIGATIONS AS THOSE
PRESCRIBED IN (II BIS), (II TER) AND (II QUATER) FOR
THE BENEFIT OF A DEVELOPING COUNTRY OR A GROUP OF
DEVELOPING COUNTRIES WHICH HAS APPLIED FOR A CONTRACT
UNDER PARAGRAPH 5(J)(II), PROVIDED THAT THESE
OBLIGATIONS SHALL BE LIMITED TO THE EXPLOITATION
OF THE RESERVED PART OF THE AREA PROPOSED BY THE
APPLICANT, AND PROVIDED THAT ACTIVITIES UNDER THE
CONTRACT SOUGHT BY THE DEVELOPING COUNTRY OR GROUP
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OF DEVELOPING COUNTRIES WOULD NOT INVOLVE TRANSFER

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ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-14 EA-12 EUR-12
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FM USMISSION GENEVA

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PARA 5(J)(IV)

BRACKET IF UPON A REQUEST IN ACCORDANCE WITH PARAGRAPH 4(C), THE PERTINENT NEGOTIATIONS ARE NOT CONCLUDED WITHIN A REASONABLE TIME, EITHER PARTY MAY REFER ANY MATTER ARISING IN THE NEGOTIATIONS TO CONCILIATION IN ACCORDANCE WITH ANNEX IV OF THIS CONVENTION. THE CONCILIATION COMMISSION SHALL WITHIN 60 DAYS MAKE RECOMMENDATIONS TO THE PARTIES WHICH SHALL FORM THE BASIS OF FURTHER NEGOTIATIONS. SHOULD THE LATTER NEGOTIATIONS FAIL, EITHER PARTY MAY REFER TO BINDING ARBITRATION THE QUESTION OF THE FULFILMENT OF THE UNDERTAKINGS MADE IN ACCORDANCE WITH PARAGRAPH 4(C). BRACKET. IN THE EVENT THAT THE CONTRACTOR DOES NOT ACCEPT, OR FAILS TO IMPLEMENT THE ARBITRAL DECISION, THE CONTRACTOR SHALL BE LIABLE BRACKET TO MONETARY DAMAGES BRACKET IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 12 OF THIS ANNEX. END QUOTE. RICHARDSON
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Draft Date: 09 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
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Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
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Original Previous Classification: n/a
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Previous Classification: n/a
Previous Handling Restrictions: n/a
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Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
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Review Withdrawn Fields: n/a
SAS ID: 2754938
Secure: OPEN
Status: NATIVE
Subject: LOS CONFERENCE - NG-1 PROPOSALS
TAGS: PLOS, KE
To: STATE
Type: TE
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